

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

3 DONALD C. HAYES,

4 Plaintiff,

5 v.

6 STATE OF WASHINGTON,
7 DEPARTMENT OF CORRECTIONS,
et al.,

8 Defendants.

CASE NO. C16-5095BHS-DWC

ORDER ADOPTING REPORT
AND RECOMMENDATION

9 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 144. The Court
10 having considered the R&R and the remaining record, and no objections having been
11 filed, does hereby find and order as follows:

12 (1) The R&R is **ADOPTED**;

13 (2) Defendant Duong’s Motion for Judgment on the Pleadings (Dkt. 124) and
14 Defendants Smith and Warner’s Motion for Summary Judgment (Dkt. 127) are **DENIED**
15 **as moot**; and

16 (3) Defendant Warner is **DISMISSED** from this action.

17 Dated this 23rd day of May, 2017.

18
19
20
21
22



BENJAMIN H. SETTLE
United States District Judge